

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RONALD DUMAS,

Plaintiff,

vs.

NEW UNITED MOTOR MANUFACTURING,
INC., ('NUMMI'), et al.,

Defendants.

Case No: C 09-5290 SBA

**ORDER TO SHOW CAUSE RE
DISMISSAL**

On April 12, 2010, the Court issued an order scheduling this case for an initial case management conference to take place on May 5, 2010 at 3:00 p.m. (Docket 14.) The order instructed Plaintiff to set up the call and contact the Court on the scheduled date and time. In violation of the Court's order, Plaintiff failed to do so.

Federal Rule of Civil Procedure 41(b) authorizes the Court to dismiss an action where plaintiff has failed to comply with the Federal Rules of Civil Procedure or any order of the court. Ferdick v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). This power derives from the district court's inherent authority to control its docket. Id. Because dismissal is a harsh sanction, however, it should only be imposed in extreme circumstances after consideration of less drastic alternatives. Id. Thus, the Court will afford Plaintiff an opportunity to demonstrate why this action should not be dismissed under Rule 41(b). Accordingly,

IT IS HEREBY ORDERED THAT by no later than **May 24, 2010**, Plaintiff must file a written statement with the Clerk of the Court to explain why the case should or should not be dismissed and why sanctions should or should not be imposed for lack of prosecution. The statement shall set forth the nature of the cause, its present status, the reason it has not been

brought to trial or otherwise terminated, any basis for opposition to dismissal by any party, and its expected course if not dismissed. FAILURE TO FULLY COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT GROUND TO DISMISS THE ACTION.

IT IS SO ORDERED.

Dated: May 14, 2010


SAUNDRA BROWN ARMSTRONG
United States District Judge

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2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 RONALD DUMAS et al,

5 Plaintiff,

6 v.

7 NEW UNITED MOTOR MANUFACTURING ,
8 INC et al,

9 Defendant.
/

10 Case Number: CV09-05290 SBA

11 **CERTIFICATE OF SERVICE**

12
13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on May 17, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19 Ronald Dumas
20 942 91st Avenue
Oakland, CA 94603

21 Dated: May 17, 2010

22 Richard W. Wieking, Clerk

23 By: LISA R CLARK, Deputy Clerk
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